

REFUGIO COUNTY, TEXAS
PURCHASING POLICY and PROCEDURES

The County Auditor is charged with the responsibility of insuring that all purchases are made in accordance with Federal, State and local laws as well as verifying that each purchase is in-line with the approved and adopted Refugio County Budget. Each department head is responsible for maintaining the integrity of his/her department budget and planning the day to day affairs of the department. One of the most important functions of the department head is to maintain adequate supplies and materials for the efficient operation of the department. LGC 112.001 & 112.006.

All purchases and/or services must be routed through the County Auditor's office.

Before a purchase is made or services are performed the county official or representative requesting the purchase or services on behalf of the county should submit the quote or invoice for approval by Commissioners' Court. EMPHASIS: this process must be completed prior to any order or commitment on behalf of the county. Items received without prior approval have a possibility of not being approved and the department head/county official could be responsible for payment of that item.

1. All purchases must be for a quantity suitable to the purpose and at the least possible expense to Refugio County.
2. Purchases over \$50,000 will have to bid unless the item can be obtained through a purchasing cooperative or from a state contract. If these methods are not useful, then specifications will need to be written and approved by commissioner's court. Then advertisement of the specifications must be according to Local Government Code 262.025. Once bids are opened, they must be awarded by commissioner's court.
3. In the event that an emergency purchase needs to be made the following procedures should be followed:
 - a) The purchase should only be made to keep buildings, machinery and vehicles in proper and safe operating condition when the safety or idleness would result in expense to Refugio County.
 - b) The purchase may be made for extreme emergency cases involving public health and welfare.
 - c) These purchases are subject to approval by the commissioner's Court. Texas LGC 111.070.
4. County capital projects under \$50,000 will be under the direction of the appropriate department head/elected official. All county capital projects over \$50,000 will be under the direction of the County Judge unless the Commissioners' Court, by order, appoints someone else to be responsible for the project.
5. Purchases should not be issued for goods/services that do not have a budget balance. If funds are not available, the department head/elected official should complete a budget amendment for transfer of funds from other appropriations or additional funds to the Commissioners' Court.
6. If a purchase requires a trade-in, such as an automobile, office machines, or other equipment, the department head/elected official should request approval of the trade-in from Commissioners' Court prior to the purchase of the new asset. The county auditor's office should be sent copies of the trade-in agreement along with trade-ins' county identification number.

7. All lease/purchase agreements must be approved by the Commissioners' Court and signed by the County Judge unless the Commissioners' Court authorized someone else to sign the agreement. All lease/purchase agreements must contain the "government clause" authorizing the return of the equipment if the Commissioners' Court does not appropriate funds for the lease/purchase in a future year. Failure to comply with this provision will result in the department head/elected official becoming liable for any losses sustained by Refugio County.
8. County employees wishing to purchase items for personal use from vendors doing business with Refugio County should set up their own account with the vendors and not use Refugio County's account. Refugio County is exempt from state sales taxes; however county employees are not exempt. In addition, Refugio County receives government discounts; however county employees are not eligible for these discounts.

Refugio County pays bills after the commissioners' court approval at the regular term meeting which currently is the second and fourth Tuesday of each month. Only bills received in the county auditor's office before noon the Wednesday prior to the regular term meeting will be considered for payment at that meeting.

The only exceptions are the following:

1. Recurring expenses pre-approved by Commissioners Court Order.
2. Payments established on a recurring basis as required by approved contract.

REFUGIO COUNTY DEBARMENT POLICY

It shall be the Policy of Refugio County that all Departments/Offices shall comply with this Debarment Policy in an effort to provide assurance to the Federal Government that Refugio County complies (a) with Federal Executive Order 12549, 44 CFR §13.35 ("Sub-awards to debarred and suspended parties"), and the Texas Uniform Grant Management System (UGMS), (b) with the Texas Department of Public Safety/Texas Homeland Security-State Administrative Agency who requires all recipients to verify the debarment status of all vendors before contracting with or making any purchases with federal grant funds.

All Debarment verifications shall be conducted by reviewing the Excluded Parties Listing Systems (EPLS). The Excluded Parties Listing Systems (EPLS) is an electronic database of parties excluded from federal procurement and non-procurement programs and is located at <https://www.sam.gov>. The EPLS identifies those parties excluded throughout the U.S.

Government (unless otherwise noted) from receiving Federal contracts or certain subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits based upon statutory or administrative debarments.

RESPONSIBILITY OF COUNTYWIDE DEPARTMENTS/OFFICES:

Refugio County shall award all contracts and purchases through procurement processes or through non procurement process to responsible vendors that have not been excluded under the excluded parties listing systems.

All Departments/Offices of Refugio County shall verify the debarment status of a vendor by using the EPLS prior to procuring or entering into contract(s) for any goods/services regardless whether it is a unit price or quantity. The Department/Office shall document that verification and retain such record in accordance with the County's Retention Policy.

In cases of non-procurement processes, the Department/Office shall verify if the vendor has been excluded when placing the order (purchase order, etc.) in order to insure that the selected vendor is NOT on the EPLS System before the purchase is made or the "contract" start date.

Furthermore, because vendors are being removed and new ones added on a daily basis, all Departments/Offices shall be required to verify the vendor for exclusion before order, blanket purchase order, contract or single time purchase. If verification has been performed prior to entering into multiple invoice or multiple billing period contracts, such as a yearly wireless phone subscription, then verification is not required prior to making each payment to the vendor. However, verification should be performed prior to extending a contract, renegotiating a contract, or entering into a new contract.

If any Department/Office end user does not verify EPLS and the vendor was on the exclusion list, all other County Department/Offices may be disallowed of any federal funding in the future. Thus, if needed, a Department/Office may notify the Purchasing Department to conduct the search before placing the order.

VERIFICATION PROCESS:

In verifying the status of debarment exclusion the Department/Office shall:

1. Go to the EPLS web-site. The internet address is <http://sam.gov>.
2. Government employees (Department/Office) must create a SAM user account with their government email address. Log in before searching in order to see FOUO (for official use only) information and those registrants who selected to opt out of the public search.
3. Select "Search Record".
4. You can enter a DUNS number, CAGE code or Business Name to search for the entities that you are interested in reviewing. You can also enter exclusion search terms to search for exclusion records. Once a search has returned results, use the filters provided to narrow results.
 - a. If the vendor is not found to be debarred, a copy of the screen print indicating the vendor is not debarred at the time of the procurement should be included with the paperwork for that purchase and retained with the procurement records for audit and monitoring purposes.
 - b. If the search finds a match, more research is required to rule out the possibility of a "false hit."
 - Is the name an exact match?
 - Is the name very close?
 - Is the vendor you are searching for located in the same general area as the name returned in the search?
 - If the match appears to be valid, print the page
 - c. If the vendor is debarred, the County shall not do business with this vendor.

EMERGENCY PURCHASES

From time to time, the County Judge may declare a Disaster Declaration because of a disaster, such as a hurricane. In those emergency circumstances the implementation of the County's debarment policy is suspended during this emergency period but no longer than sixty (60) days. On FEMA grants, FEMA may honor this suspension. However other Federal Agencies may not honor any suspension of the County's Debarment Policy.

CONSEQUENCES

In order to continue receiving Federal funds either directly or through a pass through state funding, the department/Office shall follow this Debarment policy. Failure to follow may result in forfeiting of federal funds in future countywide grant applications. Implementation of this Debarment Policy is County wide.

Procurement Policies and Procedures for Federal Grants

Refugio County

Policies

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318(c)(1).
2. All procurement transactions will be conducted in a manner providing full and open competition.
 - a. No unreasonable requirements are placed on firms in order for them to qualify.
 - b. No unnecessary experience or excessive bonding required.
 - c. Noncompetitive pricing practices between firms or between affiliated companies is disallowed.
 - d. Noncompetitive contracts are disallowed except for when there is an approved exception
 - e. No organizational conflicts of interest
 - f. If a "brand name" product is specified, an equal or like product is acceptable.
 - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
5. If the County uses a prequalified list when acquiring goods or services, the County will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
6. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
7. Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Procedures

Procurement Cycle Steps

Need Defined—County department submits request and specifications.

Procurement Method Selected—Based on type and estimated cost of good/service as well as purchasing authority, purchaser* determines the procurement method that will result in a best value acquisition for the County.

Solicitation— County creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.

Receipt of Bids and Responses to Solicitation—Vendors submit their response to the solicitation.

Evaluation and Awards— County review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the pre-defined best value criteria.

*These functions will be completed by the person(s) designated by the County Judge is designated as the purchaser for County purchases.

The County will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold

For purposes of this section, the micro-purchase threshold is \$3,000.

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the County must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

2. Small Purchase

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the County may receive quotes and award the contract to any reasonable and responsible bidder. The local governing body has the final authority to award contracts.

3. Construction and Materials Contracts

In order for sealed bidding to be feasible, the following conditions should be present:

- a. A complete, adequate, and realistic specification or purchase description is available;
- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

4. Professional Services Contracts

This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- b. Proposals must be solicited from an adequate number of qualified sources;
- c. The County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

This method may be used only when one or more of the following circumstances apply:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
- d. After solicitation of a number of sources, competition is determined inadequate.